

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY	)	MDL No. 1456
AVERAGE WHOLESALE PRICE	)	
LITIGATION	)	Master File No. 01-cv-12257-PBS
	)	
	)	Subcategory No. 06-11337-PBS
	)	Civil Action No. 08-cv-10852
THIS DOCUMENT RELATES TO:	)	
<i>United States of America ex rel. Ven-A-</i>	)	Judge Patti B. Saris
<i>Care of the Florida Keys, Inc., by and</i>	)	
<i>through its principal officers and directors,</i>	)	
<i>Zachary T. Bentley and T. Mark Jones v.</i>	)	
<i>Actavis Mid Atlantic LLC, et al.</i>	)	

**JOINT MOTION TO EXTEND THE ORDER OF DISMISSALS  
AS TO DEFENDANTS MYLAN INC, MYLAN PHARMACEUTICALS, INC., WATSON  
PHARMA, INC., and WATSON PHARMACEUTICALS, INC.**

The Relator, Ven-a-Care of the Florida Keys, Inc., and Defendants Mylan Inc., f/k/a Mylan Laboratories Inc., Mylan Pharmaceuticals, Inc., Watson Pharma, Inc., f/k/a Schein Pharmaceutical, Inc., and Watson Pharmaceuticals, Inc. (collectively “Defendants”), (the Relator and Defendants collectively, “the Parties”) hereby move the Court to extend the Orders of Dismissal of July 8, 2011 (Doc. #s 189, 870, 871, and 874), to allow the Parties an additional 42 days (from November 4 to and including December 16, 2011) to finalize the settlements and obtain the United States’ consent to the settlements before the Order of Dismissal becomes final.

The Parties previously reported to the Court that they had reached agreements in principle on settlements of the actions against the Defendants. However, the Parties reported it would take some time to draft and negotiate the details of the settlement documents, to secure the written consent of the United States and to seek the Court’s written consent as required by 31 U.S.C § 3730(b). Thereupon the Court entered Orders of Dismissal on July 8, 2011 allowing the parties 120 days to finalize the settlements.

Since that time, counsel for the Parties have negotiated diligently and in good faith on the terms of the settlement agreements and related documents and have worked closely with the United States to obtain the United States' consent to the settlements. The Parties have been successful in concluding certain partial settlements as to certain states and the Court has entered partial Orders of Dismissal With Prejudice in those cases. Counsel for the Relator has also diligently been working on the terms of settlements reached in principle with the other remaining defendants. Despite their efforts, the Parties need additional time to consummate the settlements. The current deadline is November 4, 2011. The Parties do not anticipate problems finalizing the settlements and filing all necessary documents with the Court, but need some additional time to do so.

For the foregoing reasons, the Parties request that the Court modify its Order of Dismissal to allow the Parties an additional 42 days to file the requisite documents with the Court seeking dismissals with prejudice pursuant to their settlements.

Respectfully submitted,

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#### CERTIFICATE OF SERVICE

I hereby certify that I have this 1<sup>st</sup> day of November, 2011 caused an electronic copy of the above Joint Motion to Extend the Order of Dismissals as to Defendants Mylan Inc., Mylan Pharmaceuticals, Inc., Watson Pharma, Inc., and Watson Pharmaceuticals, Inc., to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Rand J. Riklin

Rand J. Riklin